THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.148 OF 2006

ORAL ORDER:

The petitioner claims to be the owner of the vehicle bearing No.AP29 T 257 (Tata Sumo), with seating capacity of 8. It is stated that the said vehicle is being used as Maxi Cab and to suit the convenience of the travelers, he had reduced the seating capacity from 8 to 7, and made a representation dated 15.11.2005, to the Deputy Commissioner of Transport, Kakinada, requesting to grant an All India Permit for 7 seats. The said request was rejected by order dated 23.11.2005, stating that his request cannot be granted in view of the bar under Section 52 of the Motor Vehicles Act, 1988 (for short "the Act"). Aggrieved by the same, this writ petition is filed.

I have heard the learned counsel for both the parties, and perused the material on record.

In the counter-affidavit filed by the Deputy Commissioner of Transport, Kakinada, it is stated that the application of the petitioner was returned in original, since Section 52 of the Act prohibits alteration of structure specifications of the manufacturers

A perusal of Section 52 of the Motor Vehicles Act, 1988, as substituted by Act 27 of 2000, with effect from 11.8.2000, shows that no owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer. Admittedly, the vehicle in question was registered as Maxi Cab. Hence, in view of the prohibition under Section 52(1) of the Act, the permit as sought by the petitioner cannot be granted.

Therefore, I am unable to hold that the respondents have committed any error in rejecting the request of the petitioner to grant an All India Permit with seating capacity of 7. The impugned order is in accordance with the statutory provisions and, therefore, does not warrant any interference.

Accordingly, the writ petition is dismissed. No costs.

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(G. ROHINI, J.)

10th August, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.148 OF 2006

10th August, 2006.

Between:

Beeraka Subba Rao. ..

Petitioner.

And

Deputy Commissioner of Transport, Kakinada
and three others. ..
Respondents.